

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CORTEZ L. WOOTEN,

Defendant.

No. 10-30088-DRH

ORDER

HERNDON, Chief Judge:

Now before the Court is Defendant Wooten's November 13, 2010 motion to continue trial (Doc. 67). Defendant states that he needs additional time to obtain discovery and to prepare for trial as his attorney was appointed on November 12, 2010 due to a conflict that his previous counsel had with one of the Government's witnesses. The Court being fully advised in the premises finds that Wooten's new attorney needs additional time to obtain discovery and to prepare for retrial. The Court finds that pursuant to **18 U.S.C. § 3161(h)(7)(A)**, the ends of justice served by the granting of such continuance outweigh the best interests of the public and Defendant in a speedy trial. The Court also finds that to deny a continuance of the matter would result in a miscarriage of justice.

Therefore, the Court **GRANTS** Defendant Wooten's motion to continue

trial (Doc. 67). The Court **CONTINUES** the jury trial scheduled for November 15, 2010 to **Monday, January 31, 2011 at 9:00 a.m.** The time from the date the original motion was filed, November 13, 2010 until the date to which the trial is rescheduled, January 31, 2011, is excludable time for the purposes of speedy trial.

IT IS SO ORDERED.

Signed this 15th day of November, 2010.

  David R. Herndon
2010.11.15 11:49:28
-06'00'

**Chief Judge
United States District Court**